

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

WORDCHECK TECH, LLC,

Plaintiff,

vs.

ALT-N TECHNOLOGIES, LTD., et al.,

Defendants.

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CASE NO. 6:10-CV-457

ORDER

Before the Court is Plaintiff's Motion to Compel EMC and RSA to Appear For Rule 30(b)(6) Depositions on All Topics (Docket No. 696). For the reasons below, the Court **GRANTS** the motion.

Plaintiff seeks 30(b)(6) depositions from Defendants on various topics. In response to Plaintiff's request, EMC states that it scheduled 30(b)(6) depositions on certain topics on January 17-18, 2012¹. The issue that remains is when EMC would present 30(b)(6) witnesses on the issues of invalidity and damages. EMC rested its position on the fact that it was going to ask for an early mini-*Markman*/Summary Judgment procedure, which could potentially reduce the number of issues in the case. Defendants later requested and were denied a mini-*Markman*/summary judgment setting. (Docket No. 707). The regular *Markman* hearing occurred several weeks ago, and the opinion should issue in the near future. Thus, even if the Court agreed with EMC's reasons for withholding 30(b)(6) witnesses on these topics, such reasons no longer exist. Accordingly, the Court **GRANTS** Plaintiff's motion.

¹ Presumably those depositions occurred. Wordcheck did not file a reply to this motion.

The Court notes that there are several outstanding discovery motions in this case as well as a pending motion to dismiss or sever and transfer. The Court hereby sets **ALL PENDING MOTIONS** for hearing on October 16, 2012 at 10:00 a.m. The parties are ordered to meet and confer and attempt to resolve their discovery disputes prior to the hearing. The parties shall file a joint notice regarding the status of every pending motion no later than October 10, 2012.

So ORDERED and SIGNED this 27th day of September, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**